

# United States District Court

WESTERN DISTRICT OF WASHINGTON

JERRY MANNING,

v.

JUDGMENT IN A CIVIL CASE

No. C10-5663 RJB/KLS

DOUG WADDINGTON,

\_\_\_\_ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

  X   **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

- (1) The Court **ADOPTS** the Report and Recommendation (Dkt. 16). Plaintiff failed to exhaust his administrative remedies. Plaintiff's motion to stay proceedings (Dkt. 17) is **DENIED**. The dismissal of this case is without prejudice. Plaintiff is not precluded from pursuing this matter in a subsequent case after his release from prison.
- (2) Defendant's motion for summary judgment (Dkt. 11) is **GRANTED**. Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies.

February 1, 2011

Date

WILLIAM M. McCOOL

Clerk

s/ Mary Trent

Deputy Clerk